IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3380 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

1 to 5 No

DEVANDAS JASHUMAL RAMCHANDANI

Versus

GUJARAT PROPAC LTD.

Appearance:

1. Criminal Misc.Application No. 3380 of 1999

MR FB BRAHMBHATT for Petitioner No. 1

MR MA BUKHARI APP for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 05/09/2002

ORAL JUDGEMENT

1. After the matter being heard at some length, the learned counsel on both the sides conceded that, without entering into the merits of the complaint and the present petition, in the interest of justice, the trial of the Criminal Case No. 739 of 1998 pending in the Court of the learned Chief Judicial Magistrate, Vadodara, should

be expeditiously concluded in accordance with law.

2. The learned counsel for the petitioner voiced the apprehension that the petitioner would be required to attend the trial on each date of hearing, which, at times, becomes cumbersome and costly for him. The learned counsel for the respondent replied to that with the statement that the petitioner would be at liberty to file appropriate application for exemption and the respondent would have no objection if such application were granted on suitable conditions if the Court were satisfied on merits of such application. The learned counsel for the petitioner also relied upon the judgment of this Court in JAYANTILAL CHHAGANLAL PANCHAL v. SHIRISH SHANTILAL PANDYA [1986 G.L.H. 166] to submit that in a criminal trial of this nature it is rather a privilege of the accused to remain present in the Court at the time of trial which ought not to be converted into an obligation if the accused is unwilling and his physical presence is not required in the Court. That aspect may have to be decided by the trial Court as and when the application for exemption may be filed by the petitioner. The parties were, however, agreeable to expeditious hearing and made a statement that no unnecessary adjournments will be sought by either side.

3. Accordingly, permission being sought and being granted to withdraw the petition, it stands disposed as withdrawn with the observation that the trial Court shall proceed with the trial as expeditiously as practicable and, with the cooperation of the parties, shall conclude the trial preferably within six months from today. Rule stands discharged with no order as to costs.

Sd/-

(D.H.Waghela,J.)

(KMG Thilake)